

**ZONING CHANGE REVIEW SHEET****CASE:** C14-2007-0048 – Fort Magruder**PC Date:** May 8, 2007  
May 22, 2007**ADDRESS:** 3811 Wadford Street**OWNER/APPLICANT:** Sonja Hunter**AGENT:** Thrower Design (Ron Thrower)**ZONING FROM:** SF-3-NP**TO:** CS-MU-CO-NP**AREA:** 0.297 acres**STAFF RECOMMENDATION:**

Staff alternatively recommends GR-MU-CO-NP, with a conditional overlay limiting the site to 1000 daily vehicle trips, and prohibiting the following uses.

- |                                  |                                |
|----------------------------------|--------------------------------|
| ○ Automotive Repair Services     | ○ Drive-Through Services as an |
| ○ Automotive Rental              | accessory use                  |
| ○ Automotive Sales               | ○ Hotel-Motel                  |
| ○ Automotive Washing             | ○ Off-site accessory parking   |
| ○ Bail Bond Services             | ○ Pawn Shop Services           |
| ○ Community Recreation – Private | ○ Service Station              |
| ○ Community Recreation – Public  |                                |

**PLANNING COMMISSION RECOMMENDATION:**

**May 8, 2007:** Postponed to May 22 at the request of staff.

**May 22, 2007:** *APPROVED STAFF'S RECOMMENDATION FOR GR-MU-CO-NP ZONING. [S.KIRK, T.ATKINS 2<sup>ND</sup>] (8-0) P.CAVAZOS – ABSENT*

**DEPARTMENT COMMENTS:**

The site is an existing single family home fronting Wadford Street. Behind it, to the east, are CS-zoned business on South Congress Avenue. To the north are additional CS zoned business, and to the south are GR and SF-3 zoned properties. Across Wadford are single family homes on SF-3 zoned land.

The property lies with in the Dawson Neighborhood Plan. The current Future Land Use map calls for Single Family land use on the site. However, on April 10, 2007, Planning Commission recommended approval of an amendment to the future land use map, changing the designation to mixed-use. This amendment has not yet been heard by Council. (Neighborhood Plan Amendment report attached).

The request is to rezone from Family Residential –Neighborhood Plan combining district zoning (SF-3-NP) to General Commercial Services – Mixed Use – Conditional Overlay – Neighborhood Plan (CS-MU-CO-NP). The offered conditional overlay would limit the site to all GR site development standards and uses – except a floor to area ratio of 2:1 (instead of the 1:1 generally allowed in GR) would be allowed. Additionally the applicant has offered to prohibit the uses of pawn shop services and adult-oriented businesses.

Staff alternatively recommends GR-MU-CO-NP, with a conditional overlay limiting the site to 1000 daily vehicle trips, and prohibiting the following uses.

- Automotive Repair Services
- Automotive Rental
- Automotive Sales
- Automotive Washing
- Bail Bond Services
- Community Recreation – Private
- Community Recreation – Public
- Drive-Through Services as an accessory use
- Hotel-Motel
- Off-site accessory parking
- Pawn Shop Services
- Service Station

#### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3-NP	Single Family Homes
<i>North</i>	CS-CO-NP	Auto Repair Shop
<i>South</i>	SF-3-NP and GR-CO-NP	Single Family Homes and Communication Tower
<i>East</i>	CS-CO-NP	Restaurant, Businesses
<i>West</i>	SF-3-NP	Single Family Homes

**AREA STUDY:** The property lies within the Dawson Neighborhood Plan. The current Future Land Use map calls for Single Family land use on the site. However, Planning Commission recommended approval of an amendment to the future land use map, changing the designation to mixed-use. This amendment has not yet been heard by Council.

**TIA:** A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]. The applicant has agreed to a conditional overlay of **1000** trips per day. A Neighborhood Traffic Analysis (NTA) is attached.

**WATERSHED:** West Bouldin Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**REGISTERED COMMUNITY ORGANIZATIONS:**

- Dawson Neighborhood Association
- Terrell Lane Interceptor Association
- Barton Springs/Edwards Aquifer Conservation District
- South Central Coalition
- Austin Neighborhoods Council
- Galindo Elementary Neighborhood Association
- Dawson Neighborhood Planning Team

**SCHOOLS:**

- Dawson Elementary School
- Fulmore Middle School
- Travis High School

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
Wadford Street	43'	28'	Local	No	Rt. 47	Route 1 S. Congress

**CITY COUNCIL DATE:****ACTION:**

July 26, 2007

**ORDINANCE READINGS:**1<sup>st</sup>2<sup>nd</sup>3<sup>rd</sup>**ORDINANCE NUMBER:****CASE MANAGER:** Robert Heile-mail address: [robert.heil@ci.austin.tx.us](mailto:robert.heil@ci.austin.tx.us)**PHONE:** 974-2330





C14-20007-0048  
3811 Wadford Street  
From SF-3-NP to CS-MU-CO-NP

## **SUMMARY STAFF RECOMMENDATION**

Staff alternatively recommends GR-MU-CO-NP, with a conditional overlay limiting the site to 1000 daily vehicle trips, and prohibiting the following uses.

- Automotive Repair Services
- Automotive Rental
- Automotive Sales
- Automotive Washing
- Bail Bond Services
- Community Recreation – Private
- Community Recreation – Public
- Drive-Through Services as an accessory use
- Hotel-Motel
- Off-site accessory parking
- Pawn Shop Services
- Service Station

## **BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

1. *Zoning should not constitute a grant of special privilege to an individual owner; Granting of the request should result in an equal treatment of similarly situated properties.*

Property to the north and east is zoned CS. Property to the south is zoned GR. While GR might be otherwise incompatible with the nearby residential uses, a conditional overlay and compatibility standard will help mitigate the impacts.

2. *The proposed zoning should be consistent with adopted neighborhood plans.*

This request is consistent with the neighborhood plan amendment recommended by Staff and the Planning Commission. The property lies within the Dawson Neighborhood Plan. The current Future Land Use map calls for Single Family land use on the site. However, Planning Commission recommended approval of an amendment to the future land use map, recommending changing the designation to mixed-use. This amendment has not yet been heard by Council.

## **Transportation**

The trip generation under the requested zoning is estimated to be 1,797 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

**Staff performed Neighborhood Traffic Analysis for this project (attached).****Summary conclusions:**

- An NTA was required because the projected number of vehicle trips exceed 300 per day
- Currently Wadford Street operates at a desirable level.
- Wadford street would continue to operate a desirable level with the additional traffic from the proposed development.
- Staff recommends a limit of 1000 vehicle trips per day

No additional right-of-way is needed at this time.

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
Wadford Street	43'	28'	Local	No	Rt. 47	Route 1 S. Congress

**Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the East Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

**Site Plan**

Site plans will be required for any new development other than single-family or duplex residential.



Compliance with Subchapter E (Commercial Design Standards) is required. Wadford St. is an Urban Roadway, and the Principal Street.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

#### Compatibility Standards

The site is subject to compatibility standards. Along the West property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.

Additional design regulations will be enforced at the time a site plan is submitted.

#### Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrade, utility relocation, and utility abandonment. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.





## MEMORANDUM

**TO:** Robert Heil, Case Manager  
**CC:** Ron Thrower  
**FROM:** Amber Mitchell, Senior Planner  
**DATE:** May 16, 2007  
**SUBJECT:** Neighborhood Traffic Analysis for Wadford Street  
Zoning Case: Fort Magruder 1 C14-2007-0048

The Transportation Section has performed a neighborhood traffic impact analysis for the above referenced case and offers the following comments.

The site is located in south Austin near the intersection of SH 71 and South Congress Avenue. Currently zoned Family Residential Neighborhood Plan (SF-3-NP), the request is for Commercial Services Mixed Use Neighborhood Plan (CS-MU-CO-NP). The applicant proposes a mixed-use development composed of single family and office uses. Surrounding the tract to the north and south is single family and commercial development; to the west is single family; and to the east is commercial.

### Roadways

Wadford Street forms the western boundary of the site and is classified as a residential collector with 43 feet of right-of-way and 28 feet of pavement. According to Section 25-6-114 of the Land Development Code, Wadford Street is considered a residential collector because at least 50 percent of the frontage within 1,500 feet of the subject tract has an urban family residential district (SF-5) or more restrictive zoning designation.

### Trip Generation and Traffic Analysis

Based on the ITE's publication Trip Generation, and assuming the site develops to the maximum intensity allowed under the proposed zoning classification (without consideration of setbacks, environmental constraints or other site characteristics) the proposed development at the time of site plan may generate approximately 1,797 vehicles per day (vpd). However, the applicant has agreed to a conditional overlay of **1,000 trips** for the site. The trip generation for the subject tract is summarized in Table 1.

Table 1. Trip Generation		
LAND USE	SIZE	VPD
Mixed-Use	Not determined	1,000
<b>TOTAL</b>		<b>1,000</b>

Table 2 represents the expected distribution of trips for the site:

Table 2.	
Street	Site Traffic
Wadford St	100%

Table 3 represents a breakdown of existing traffic, proposed site traffic, and total traffic after development along Wadford Street.

Street	Pavement Width (Ft)	Maximum Desirable Volume (vpd)	Existing Traffic (vpd)	Proposed Site Traffic (vpd)	Overall Traffic (vpd)
Wadford Street	28	1,200	183	1,000	1,183

The Land Development Code specifies desirable operating levels for certain streets in section 25-6-116. These levels are as follows: A residential local or collector street with a pavement width of less than 30' should carry 1,200 vehicles per day or less.

### **Conclusions**

1. The neighborhood traffic analysis was triggered because the projected number of vehicle trips generated by the project exceeds the vehicle trips per day generated by existing uses by at least 300 trips per day, and the project has access to a local or residential collector street where at least 50 percent of the site frontage has an SF-5 or more restrictive zoning designation.
2. Currently, Wadford Street operates at a desirable level and will continue to operate at a desirable level with the addition of site traffic from the proposed development.
3. Staff recommends that this site be limited through a conditional overlay to 1,000 trips per day.

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If you have any questions or require additional information, please contact me 974-3428.



Amber Mitchell

Sr. Planner ~ Transportation Review

Watershed Protection and Development Review Department

Regarding Case Number C14-2007-0048

I'm an adjoining property owner of Sonja Hunter and I fully support her zoning change request. If you have any questions feel free to contact me.

Thank you,

  
Gladys Long

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

**Case Number: C14-2007-0048**

**Contact:** Robert Heil, (512) 974-2330

**Public Hearing:**

May 8, 2007 Planning Commission

<input checked="" type="checkbox"/> I am in favor <input type="checkbox"/> I object
--

JULIE ALEXANDER

Your Name (please print)

208 DUNLAP ST.

Your address(es) affected by this application

Julie Alexander

Signature

4-30-07

Date

Comments:

I support the zoning request  
change for the Sonja Hunters  
property.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Robert Heil

P. O. Box 1088

Austin, TX 78767-8810

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**Case Number:** C14-2007-0048

**Contact:** Robert Heil, (512) 974-2330

**Public Hearing:**

May 8, 2007 Planning Commission

COLE ALEXANDER

Your Name (please print)

210 DUNLAP ST.

Your address(es) affected by this application

CHS

Signature

4-30-07

Date

Comments: I support this zoning change. All but one of the surrounding properties has some type of commercial zoning. The owner of the remaining SF property has indicated to me that he wants his property changed to MU on the FLUM and most likely will seek a zoning change in the next 2-4 years. Not only is this change consistent with the surrounding properties, it will increase Mr. Hunter's property value likely to the point that she could live comfortably in the city's urban core. Again I support the  
If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Robert Heil

P. O. Box 1088

Austin, TX 78767-8810

change.  
Thank you!

**From:** Ron Thrower [mailto:ron@throwerdesign.com]

**Sent:** Sunday, July 15, 2007 9:10 AM

**To:** Holubeck, Andrew; Guernsey, Greg; Rusthoven, Jerry; Heil, Robert

**Subject:** Fort Magruder

C14-2007-0048, NPA-07-0001.01

All,

I would respectfully request a postponement for the Fort related FLUM and zoning cases from the 26th of July to October 18th. The additional time is necessary to discuss the cases and other properties with my clients. city staff, and the neighborhood.

Additionally, I am out next week and back on the 24th (late).

Ron Thrower

*Thrower Design*

VACATION NOTICE !!!!!!!!!

I will be out of the country and unreachable on the following dates:

July 16-24 AND August 2-13

2807 Manchaca Road, Building Two  
Austin, Texas 78704

Cynthia Medlin  
Chair of Dawson Neighborhood Plan (Contact) Team  
2501 Wilson St.  
Austin, TX 78704  
Phone: (512) 440-1966  
E-mail: [cmedlin@austin.rr.com](mailto:cmedlin@austin.rr.com)

July 16, 2007

Mayor Will Wynn  
Mayor Pro Tem Betty Dunkerley  
City Council Members

RE: Postponement Request for July 26, 2007 Agenda Items with the Case Numbers of NPA-07-0001.01 (Plan Amendment) and C14-2007-0048 (Rezoning)

Dear Mayor Wynn, Mayor Pro Tem Dunkerley and Council Members:

The Dawson Neighborhood Plan (Contact) Team (DNPT) requests a postponement of the Council hearing for these two proposed agenda items scheduled for July 26, 2007. There are several legitimate reasons for these items to be postponed but the most pressing is that Donald Dodson, President of the Dawson Neighborhood Association and other active members of the DNPT are out of town for vacation at this time and are not due back in time to attend this Council meeting. In addition, since this is the first Council meeting following summer break, there will be several important issues on this agenda and the DNPT believes that these two cases can be delayed until a time more convenient for the DNPT and the Council.

The DNPT is opposed to the Plan Amendment (NPA-07-0001.01) which, in actuality, is a change in our adopted Future Land Use Map that is in conflict with the text and intent of our adopted neighborhood plan. The zoning change (C14-2007-0048) is predicated on passage of the FLUM change. There is no project that is being delayed by this since, in order for a project to be started, the FLUM changes must be approved, several zoning changes must be approved and the properties must be purchased by a developer. Because of the many irregularities in how these cases have been processed by various city departments these cases are complex and precedent-setting in nature. The DNPT believes we deserve the time and attention required to adequately address our concerns. A letter detailing most of our major issues with this plan amendment and associated zoning change will be submitted in the backup materials for the July 26, 2007 Council Agenda. Thanking you in advance for your consideration of our request.

Sincerely,  
*Cynthia Medlin*  
Chair of the Dawson NPT

cc: NPZD  
DNA/DNPT Officers



Cynthia Medlin  
Chair of Dawson Neighborhood Plan (Contact) Team  
2501 Wilson St.  
Austin, TX 78704  
Phone: (512) 440-1966  
E-mail: [cmedlin@austin.rr.com](mailto:cmedlin@austin.rr.com)

July 17, 2007

Mayor Will Wynn  
Mayor Pro Tem Betty Dunkerley  
City Council Members  
P.O. Box 1088  
Austin, TX 78767

Dear Mayor Wynn, Mayor Pro Tem Dunkerley and Councilmembers:

What follows are many of the reasons that the Dawson Neighborhood Plan Team (Contact Team) is opposed to the Proposed Neighborhood Plan Amendment Case # NPA-07-0001.01 and it's associated zoning change Case # C14-2007-0048.

#### PROPOSED FLUM CHANGE IS NOT CONSISTENT WITH THE DAWSON NEIGHBORHOOD PLAN

The agent representing these properties, Mr. A. Ron Thrower, informed the DNPT and Dawson Neighborhood Association (DNA) officers that he received an email from Neighborhood Planning and Zoning Department (NPZD) staff stating that the proposed change in the Dawson Future Land Use Map did not require a change to the text of the Dawson Neighborhood Plan. This despite DNPT officers stating on several occasions before the Planning Commission and the Council in 2006 that a FLUM change from residential to commercial land use would require a change in text. The Dawson Neighborhood Plan on page 14 under "Residential Land Use/Action Items" states the following:

*"The Planning Commission and City Council should uphold and preserve the residential zoning of the interior of the neighborhood. They should not allow lots outside the Congress and South First Street corridors to be zoned for commercial or more intensive uses."*

Obviously the DNPT views as extremely problematic the fact that staff would recommend such blatant disregard for the text of our adopted neighborhood plan. To date no attempt has been made to address this significant oversight on the part of the NPZ Department.

#### FUTURE LAND USE MAP (FLUM) ISSUES

Since our Future Land Use Map (FLUM) was adopted by Council on June 13, 2006 the DNPT has contended that it does not want to amend the now adopted FLUM apart from amending the base zoning and conditions at the same time. It is our contention now, as it was then, that separating changes to the FLUM from changes to the zoning and conditions provides a mechanism for going around the spirit and the intent of the neighborhood planning process.

The officers of the DNPT believe that allowing a requested change in a FLUM to become a "Plan Amendment" is not appropriate because the FLUM is not addressed in the Land Development Code anywhere except under definitions. The authority with which City of Austin staff have imbued Future Land Use Maps does not exist anywhere in code and until it does should not be utilized as the powerful tool for altering land use that it has become.

On February 12, 2007 the DNPT voted against this proposed FLUM change and zoning change to the inner block bounded by Dunlap on the south, Wadford on the east, Krebs on the north and Reyna on the west (a.k.a. Block #4). The vote was 55 against and 31 in favor of the FLUM change and 54 against and 32 in favor of the proposed zoning change (to CS-MU). Due to the objections of property owners on the three other blocks who did not want to be included in the changes, a vote was not held on the FLUM changes proposed for those blocks (#1, #2 and #3).

At our June 11, 2007 the DNPT did conduct a vote on two of these blocks for a proposed FLUM change. Only properties, indicated by address, for which owners requested the change were included on the ballot. The total number of votes against adopting the proposed FLUM change (either without knowing the zoning or conditions or with no change to the existing FLUM) was greater than 50%. The lot between Dunlap on the north, Ben White on the south, South Congress on the east and Wadford on the west (a.k.a. Block #2) was not included in the vote because the SF 3 property owner does not want any change in his land use designation or his zoning.

Also on the June 11, 2007 ballot was an option for changing the FLUM for Block #4 from Single Family (SF) to High Density Single Family (HDSF) to give the property owners the benefit of up-zoning to allow for development of SF6 condominiums. This option would also allow more density and greater height on Block #3 that fronts Ben White. The majority of DNPT members voted to support this FLUM change at such time as the base zoning and conditions are known and approved by them. However, the property owners requesting the FLUM and zoning changes chose to withhold their votes in protest. Vocal property owners on Block #4 have not been willing at any time to discuss changes to their property that did not include commercial base zoning. These same property owners have not been willing to disclose to the DNPT why commercial zoning is so vital to their plans.

**Please note the following:** The DNPT did not exclude the owners or residents of the properties for which the FLUM change is proposed from voting on these issues nor did they recuse themselves. Ordinance No. 030605-53 Concerning the Neighborhood Plan Amendment Process, Part 4 amends Ordinance 030320-23 Part 6 Subsection (E) to address conflict of interest and states that a member of a contact or planning team "may not participate in a decision on a matter affecting a person, entity or property in which the member has a substantial interest". In addition, Roberts Rules of Order also requires members to recuse themselves from voting when there is a conflict of interest. The DNPT has never been advised by NPZD staff, present at all of our meetings, of this section of the ordinance.

## OTHER ISSUES

In addition to the above, officers of the DNPT believe there were several precedents set in this case that are detrimental to Neighborhood Planning and if allowed to continue will lead to total

distrust in the process for future planning efforts. Some examples of these precedents in our case are as follows:

1. An "agent" of several individual property owners was granted payment of a single fee for filing a plan amendment for multiple properties. If there had been a single developer who owned the several properties this could have been justified but there were multiple property owners and the COA did not require any verification that they were in agreement with the requested amendment or legally associated with each other in any way.
2. The requirement that applicants for a plan amendment that is not supported by the neighborhood plan or contact team must notify the property owners and residents of the plan area was not enforced by NPZD. Despite the major change to the neighborhood plan this type of development should have engendered the COA determined that only property owners within 300 feet needed to be notified and did so at city expense.
3. NPZD failed to notify two individual property owners that a change to their land use was being acted upon by the Planning Commission. These two owners had expressly requested that their SF properties not be included in either the FLUM or the zoning change.
4. NPZD staff supported a change to our neighborhood plan which is not consistent with the text or the intent of the neighborhood plan and, in our opinion, does not meet the criteria as outlined in Ordinance No. 030320-23 Part 8 regarding amending a neighborhood plan.
5. NPZD staff recommended applying a new land use category, Neighborhood Mixed Use, to Block #4 even though, at the time, it had not been adequately vetted or presented to the Planning Commission or adopted by Council. The Planning Commission subsequently recommended this land use be applied, against the majority opinion of the DNPT, to this block. This new land use category has still not gone before the Planning Commission or the Council for final approval.

These actions, taken individually, may not seem significant. However, when taken together they lead to the impression that it is possible to subvert the neighborhood planning process to the benefit of an influential person or group of individuals. While officers of the DNPT assume this is an unintentional consequence it lends an air of suspicion and mistrust. As none of us want to further divide the citizenry of this great city we hope the Council will join us in assuring the neighborhood planning process is administered fairly and consistently from this time forward and that any problems inherent in COA codes and ordinances are addressed.

Sincerely,

*Cynthia Medlin*

Chair, Dawson Neighborhood Plan Team

cc: Staff of NPZD

Officers of the DNA/DNPT